

REMARKS

This Amendment is being filed in response to the Office Action mailed on January 9, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2, 4-12 and 14-32 remain in this application, where claims 3 and 13 have been canceled by this amendment without prejudice. Applicant reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Office Action, claims 1-8 and 11-32 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,608,710 (Minermura). Further, claims 9-10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Minermura in view of U.S. Patent No. 6,456,584 (Nagata). It is respectfully submitted that claims 1-2, 4-12 and 14-32 are patentable over Minermura and Nagata for at least the following reasons.

Minermura is directed to a phase changing recording medium

with amorphous points each formed by a pair of high power and low recording pulses WH, WL. High and low power erasing pulses EH, EL are shown in FIG 1, which is reproduced on page 3 of the Office Action, with additional labeling of Ta, Tb and Tc, to allegedly show three erase periods. As clearly shown in the FIG 1, on page 3 of the Office Action, the erase level at periods Ta, Tb is EH, while the erase level at period Tc is EL, where EL is less than EH.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 11, amongst other patentable elements, recites (illustrative emphasis provided):

wherein said erase radiation beam between two successive sequences of pulses for writing marks consists of three erase periods, wherein said erase radiation beam has a first erase power level for a first erase period followed by a second erase power level higher than said first erase power level for a second erase period followed by a third erase power level lower than said **second** erase power level for a third erase period.

Further, the present invention as recited in independent claim 14, and similarly recited in independent claims 19, 22, 25, 27, 29 and 31, amongst other patentable elements, recites (illustrative emphasis provided):

wherein said erase radiation beam has a first erase power level for a first erase period followed by a second erase power level higher than said first erase power level for a second erase period followed by a third erase power level lower than said first erase power level for a third erase period.

In addition, the present invention as recited in independent claim 29, and similarly recited in independent 31, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the recorded marks represent data including a high period and a low period, and wherein the erase radiation beam includes pulses that substantially fill the low period, wherein a second pulse of the pulses of the erase radiation beam has a higher level than a first pulse and a third pulse of the erase radiation beam, the first pulse and the third pulse of the erase radiation beam having different power levels.

A second erase power level higher than a first erase power, and a third erase power level lower than the first or second erase power levels, as recited in independent claims 1, 11, 14, 19, 22, 25, 27, 29 and 31, are nowhere taught or suggested in Minermura. Further, Minermura does not disclose or suggest a second erase pulse having a higher level than first and third erase pulses, where the first and third erase pulses have different power levels, as recited in independent claim 29 and 31. Rather, Minermura

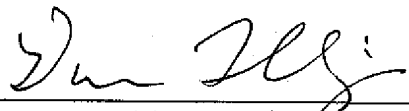
discloses two erasing pulses EH, EL where EH is higher than El. Nagata is cited to allegedly show other features and do not remedy the deficiencies in Minermura.

Accordingly, it is respectfully submitted that independent claims 1, 11, 14, 19, 22, 25, 27, 29 and 31 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-10, 12-13, 15-18, 20-21, 23-24, 26, 28, 30 and 32 should also be allowed at least based on their dependence from independent claims 1, 11, 14, 19, 22, 25, 27, 29 and 31.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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